

Minutes of a regular meeting of the
Johnson City Planning Board held
on October 26, 2021 at 7:00pm at
243 Main Street, Johnson City, NY.

Present: Mary Jacyna, Vice Chair
Marcia Ward
Greg Matyas
David Michalak

Also Present: Keegan Coughlin, Attorney for the Village
Kim Cunningham, Planning Board Clerk
Martin Meaney, Village Board Trustee

Absent: Gerald Putman, Chairman

A work session was held at 7:00pm.

The Board discussed the agenda and the applications.

Vice Chair Jacyna called the Planning Board meeting to order at 7:30pm and noted the emergency exits.

MINUTES

Approval of the September 28, 2021 meeting minutes of the Johnson City Planning Board was made by Ms. Ward and seconded by Mr. Matyas. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Vice Chair Jacyna opened the privilege of the floor. There being no one who wished to speak, Vice Chair Jacyna closed the privilege of the floor.

PUBLIC HEARING

750 Harry L Drive – Agree Development, LLC

Public Hearing

Special Permit for Automotive Repair

Site Plan Review

Joshua Bratton of Agree Realty and Andy Hart of Bergmann appeared on behalf of the project. Mr. Hart stated they received a letter from New York State DEC regarding their review of the New York Natural Heritage Program database. They have no records of rare or state-listed animals or plants, or significant natural communities at the project site. developer would like to purchase the property and lease it to Gerber Collision. Approving a special use permit for the proposed use, will not change the current auto service area that is used currently and has been used historically. The existing auto service area was used for auto repair historically dating back to its original construction in 1960. The



existing uses include outdoor display of motor vehicles as well as auto service repair. Mr. Hart read their Reasoning for Approval and Benefits to the Community.

The proposed use:

- will improve the aesthetics of the property as all the parked cars will be enclosed in the new screened fenced-in area. No vehicles will be displayed outdoors other than parking of customers.
- is consistent in congruent with the existing properties along that corridor
- will not create any disturbance to the adjacent properties. No work will be completed outdoors.

Mr. Hart informed the Board of the following:

- Business will only operate Monday through Friday between 8:00 a.m. and 5:00 p.m. Closed Saturday and Sunday.
- They will be investing \$2.3 million in the property for its improvements and its current assessed value is around \$420,000.
- 20 full-time positions

The re-development will include upgrading the existing building including ADA requirements and building code standards.

Mr. Hart reviewed the proposed site plan and discussed greenspace, parking, signage and dumpsters.

Vice Chair Jacyna opened the public hearing.

Trustee Meaney questioned the hours of operation and the drop off and pick up times of vehicles.

Mr. Hart responded the hours of operation are Monday through Friday between 8:00 a.m. and 5:00 p.m., closed on Saturday and Sunday. Drop off and pickup hours will mostly be during the hours of operation.

Vice Chair Jacyna closed the public hearing.

Vice Chair Jacyna read the Site Plan Review, Environmental Summary, Department Head Comments and Planning Staff Recommendations.

Site Plan Review and Special Use Permit:

The Applicant, Agree Development, LLC is proposing a renovation of the existing building into a Gerber Collision facility. The renovation will include a 1,280 sq. ft. addition of office face and exterior canopy, improvement of exterior façade, interior improvements and a screened fenced area for vehicle parking.

The existing property is currently used for auto sales including the outdoor display of vehicles. The proposed use will not include the outdoor display of vehicles. The existing property use will also include auto repair withing the existing service center as an ancillary use. This service area was used for auto repair historically dating back to the construction of the property in 1960. The proposed development will continue the historical use while bringing the building up to ADA and building code standards with a first-class collision facility. No auto work will be done outdoors. There will be no outdoor parts or vehicle storage. The business will operate between Monday and Friday between 8:00 a.m. and 5:00 p.m.



and they will be closed on Saturdays and Sundays. The applicant proposes that the redevelopment will drastically improve the building and site condition and aesthetics as the renovation will include a considerable improvement to the building façade, parking lot, access drive and a new greenspace area.

Environmental Summary:

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). A Full Environmental Assessment Form (EAF) has been required for the review of the automotive repair facility. The Planning Board declared themselves Lead Agency in an uncoordinated review under SEQRA, specifically for the special permit to allow the automotive repair facility, and is issuing a Negative Declaration, the determination that the project will not have significant negative environmental impacts on September 28, 2021.

Department Head Comments:

- Code Enforcement:
 - All proposed work requires building permits to be issued by the village of Johnson City.
 - Electricians and Plumbers licensed by Johnson City are required.
 - Proposed fence shall be installed in accordance with the village sign Code.
 - Storage of waste materials such as tires must be done in accordance with NYS Fire code.
 - All signage requires a permit from the Village of Johnson City Code enforcement office.
- Public Works/Water Dept:
 - A backflow device is required. If there is one present, please supply a current test report. If there is not one on the premise, an application must be submitted. The backflow prevention devices shall be inspected and tested after installation and then tested annually by a certified backflow prevention device tester, and a report submitted to the Water Department (607-797-2523).
 - A street permit is required for driveways and other work in the Village right-of-way.
- Fire Dept:
 - The Fire Marshal shall inspect the facility prior to the issuance of a Certificate of Compliance. Call the Fire Department to arrange the inspection at (607) 729-0428.
 - The installation of a knox box on the exterior of the building is requested.
- Police Department:
 - No Compelling Interest

Planning Staff Recommendations

The Planning Department recommends approval of the **special permit** for the automotive repair facility with the requirements from Code Enforcement, the Fire Department, Water Department and Public Works, and the following stipulations:

- See stipulations listed above with the addition of the following:
 - Per Chapter 300-66.11. Transferability of Special Permits
 1. A special permit is not transferable except upon approval by resolution of the issuing board.



2. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
 - The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit or Certificate of Compliance, whichever shall come first. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.

Attorney Coughlin read the stipulations for the site plan:

The Planning Department recommends the Planning Board approve the **site plan** for the automotive repair facility with the requirements from Code Enforcement, the Fire Department, Water Department and Public Works, and the following stipulations:

- The automobile sales parking lot shall be striped according to the plan.
- All maintenance of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
- This Site Plan does not permit outdoor storage. Should the property owner wish to incorporate outdoor storage in the future, it would require a separate Special Use Permit.
- Per Chapter 236-20(B), all dumpsters shall be kept in a place easily accessible to private collection contractors, shall be clean, neat, painted and kept in good repair; any spilled materials are the responsibility of the property owner or occupant and shall be cleaned immediately. No garbage, rubbish, trash, yard waste or other items of refuse shall be located outside of a dumpster. All dumpsters located on a property for reasons other than temporary construction shall be fully enclosed and all doors and lids must be in working order and lids must be securely closed at all times. Dumpsters not in use must be removed within 30 days.
- Per Chapter 236-20(D), the collection of garbage or other material from dumpsters shall not commence on any day prior to the hour of 6:00 a.m. nor past the hour of 9:00 p.m.
- Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time.
- If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
- Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan for the parking lot.
- The applicant shall be required to acknowledge all of the above conditions, in writing.
- The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

The Board discussed the possibility of automobiles coming in after hours.



A motion that the Johnson City Planning Board approve the special permit for automotive repair at 750 Harry L Drive including the Department Head Comments and Planning Staff Recommendations and stipulations, was made by Ms. Ward and seconded by Mr. Michalak.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Michalak, Jacyna) **No** – 0 **Absent** – 1 (Putman)

A motion that the Johnson City Planning Board approve the site plan for 750 Harry L Drive including the Department Head Comments, Planning Staff Recommendations and conditions, was made by Mr. Michalak and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Michalak, Jacyna) **No** – 0 **Absent** – 1 (Putman)

UNFINISHED BUSINESS

5-11 Avenue C – AJEM Group, LLC

Site Plan Review – Renovation of multi-family building from 18 units to 10 units

Michael Abettan of AJEM Group, LLC and Robert Harner of Lakeside Engineering appeared on behalf of the project.

Having the ADA accessible apartments be contingent upon the approval of the variance. Asked what the board is looking for as to the handicapped parking. He does not see a solution as to the number of parking units in the area.

Attorney Coughlin discussed the questions regarding artificial lighting and ventilation which have both satisfied the code requirement.

Attorney Coughlin spoke regarding the handicapped parking requirement and stated they are waiting to hear from NYS Building code on what is required by the State as the local municipality cannot grant a different number than state building code, they can only grant variances from the local code.

Attorney Coughlin and Mr. Abettan discussed possible options for additional handicapped parking spaces in the area.

Ms. Ward questioned Mr. Abettan's target market and rents.

Mr. Abettan responded they have not decided on the rents, but it will be fair market. The tenants will be students or locals, with no discrimination. The rent will be contingent upon when it is constructed and it will be a fair market rate. Mr. Abettan confirmed the class of the apartments will be higher end.

Attorney Coughlin and Senior Planner Yezzi explained the ADA compliance requirements, handicapped parking spots, variances with local municipalities and State Building Code.



A motion that the Planning Board hold over the site plan until they resolve the parking calculation issues as well as the ADA compliance for 5-11 Avenue C was made by Mr. Matyas and seconded by Ms. Ward.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Michalak, Jacyna) **No** – 0 **Absent** – 1 (Putman)

NEW BUSINESS

30 Harrison Street – Bell Atlantic Mobile Systems/Nixon Peabody

Declare Lead Agency, Unlisted Action, Call for a Public Hearing on November 23, 2021 for a Special Permit for a new telecommunications tower

Nathan Vander Wal, Esq. of Nixon Peabody appeared on behalf of the applicant, Verizon Wireless. Mr. Vander Wal said the existing sites can't keep up with the demand/the traffic on the network, so a new localized centered site is required to take away some the demand and provide a dominant circuit within the localized area. They service a small area sometimes as small as a quarter of a mile area. Everything runs off a wireless network. Verizon was advised due to expansion near the hospital in that area, that all poles in the Harrison Street area had to be removed in the existing site. The property right next door at 30 Hudson Street is a favorable location. Attorney Vander Wal explained the project and what it entails.

The Board and Mr. Vander Wal discussed the existing pole and the projected pole.

Attorney Coughlin, the Board and Mr. Vander Wal spoke regarding the timing of the project.

A motion that the Johnson City Planning Board declare lead agency for 30 Harrison Street was made by Mr. Matyas and seconded by Mr. Michalak.

Motion Carried - Vote:

Yes – 4 (Matyas, Ward, Michalak, Putman) **No** – 0 **Absent** – 1 (Jacyna)

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Michalak and seconded by Ms. Ward.

The meeting was adjourned at 8:24 pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

